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10 **UNITED STATES DISTRICT COURT**
 11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 DOUG PEARSON, an individual, on
 13 behalf of himself, and on behalf of all
 14 persons similarly situated,

15 Plaintiff,

16 vs.

17 HOMECOMINGS FINANCIAL LLC,
 18 formerly known as HOMECOMINGS
 19 FINANCIAL NETWORK, INC.; and
 20 DOES 1 through 100, Inclusive,

21 Defendants.

22 Civil Action No. **08 cv 0515 H NLS**

23 **CLASS ACTION**

24 DECLARATION OF PLAINTIFF DOUG
 25 PEARSON IN SUPPORT OF
 26 OPPOSITION TO MOTION TO
 27 DISMISS

28 Date: June 16, 2008

29 Time: 10:30 a.m.

30 Judge: Hon. Marilyn L. Huff
 31 Courtroom 13

32 I, Doug Pearson, declare:

33 1. I am the named Plaintiff in the above entitled action pending before the United
 34 States District Court for the Southern District of California. I submit this declaration in support
 35 of the Opposition to Defendant's Motion to Dismiss.

2. I understand that Defendant's Motion argues that I failed to provide notification of my dispute with Homecomings Financial before filing this lawsuit. This factual contention is false as attempted to resolve this dispute with Homecomings Financial, both in writing and verbally, before the filing of this lawsuit.

3. When I learned about the prepayment penalty being charged by Homecomings Financial, I contacted Homecomings Financial to dispute the charge. I spoke with Homecomings' employee "Ross", employee number 73664, on June 20, 2007. Subsequently, I spoke with Homecomings' employee "Dexter", employee number 73756, on June 25, 2007.

4. Because I did not receive any correction of the charge, on July 26, 2007, I sent a letter to Homecomings Financial disputing the prepayment penalty. A true and correct copy of the letter I sent to Homecomings is attached hereto as Exhibit #1. I never received any corrective action from Homecomings.

5. During the period August 18-19, 2007, I spoke with Scott Lasier at Homecomings, who informed me that he had looked into the dispute and that according to company policy, the prepayment penalty would not be refunded. Mr. Lasier further informed me that he could charge interest as a result of the delay resulting from the dispute over the prepayment penalty charge.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct. Executed this 2nd day of June, 2008, in San Diego, California.

By: *Doug Pearson*
Doug Pearson, Plaintiff

Declaration of Doug Pearson

EXHIBIT #1

To: Homecoming Financial
Re: Prepayment Penalty Addendum-Removal
Date: 07/26/2007
Fax#: 614-417-5768
Loan#: 042-513310-5
Address: **2677 Villas way SD, CA 92108**

To Whom It May Concern:

I'm in the process of selling my house and on the Payoff Statement it reflects a Prepayment Penalty based on the Addendum this should be waived. Please read below.

"Notwithstanding the foregoing, in no event shall the Note Holder impose a prepayment penalty when the note holder declares by written notice is due pursuant to a due-on-sale"

I have faxed over the Prepayment Penalty Addendum, see section five.

Please feel free to contact me if you have any question or concerns.

Thank you,

Douglas R. Pearson
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